



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

JUN 14 2004

Reply To
Attn Of: ORC-158

Honorable M. Brian Cladoosby,
Chairman
Swinomish Indian Tribal Community
P.O. Box 817
La Conner, WA 98257

RE: Approval of Treatment in the Same Manner as a State (TAS) for Section 105 of the
Clean Air Act

Dear Chairman Cladoosby:

The U.S. Environmental Protection Agency Region 10 (EPA) has reviewed the application by the Swinomish Indian Tribal Community of Washington for "treatment in the same manner as a State" under Section 301 of the Federal Clean Air Act (CAA) for the purpose of receiving a grant under Section 105 of the CAA.

After reviewing the application and comments provided by the State of Washington, EPA finds that the Tribe meets the eligibility criteria of Section 301 of the CAA and EPA regulations at 40 CFR Part 49. Therefore, the Tribe is eligible for TAS to receive a grant under Section 105 of the CAA. I am enclosing a copy of the signed decision document.

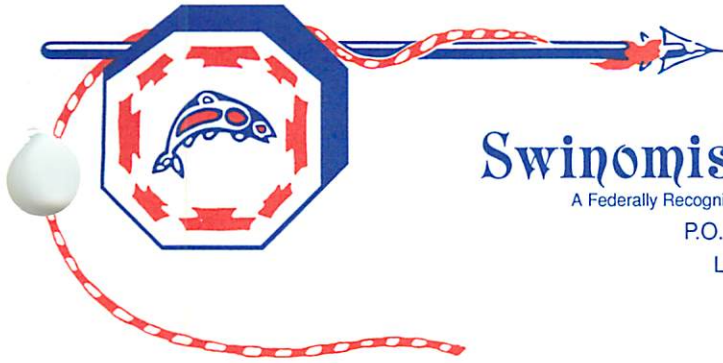
If you have any questions, you can contact me at (206) 553-1234, or you can contact Diana Boquist at (206) 553-1586.

Sincerely,

L. John Iani
Regional Administrator

Enclosure

cc: Tom Laurie, Washington Department of Ecology



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MAR 25 2004

OFFICE OF THE EXECUTIVE

Phone (360) 466-3163
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Swinomish Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant to 25 U.S.C. § 476

P.O. Box 817 • 11404 Moorage Way
LaConner, Washington 98257

March 24, 2004

Mr. L. John Iani
Regional Administrator
U.S. EPA Region 10
1200 6th Street
Seattle, Washington 98101

Dear Mr. Iani *John,*

We are pleased to present our application for treatment as a state ("TAS") under section 105 of the Clean Air Act, 42 U.S.C. § 7405. The application is drafted in accordance with the "Tribal Authority Rule" published at 40 CFR Part 49.

Since we have already received TAS status for portions of our water quality program, we have not developed our preliminary application in great detail. Please do not hesitate to call if you have any questions or if you would like additional information. We look forward to hearing from you.

Sincerely,

M. Brian Cladoosby

M. Brian Cladoosby
Chairman

Enclosure

Application of the Swinomish Indian Tribal Community for TAS Status under Section 105 of the Clean Air Act

Introduction

The Swinomish Indian Tribal Community, ("SITC"), hereby applies for treatment as a state, ("TAS"), as provided for in Section 301 of the Clean Air Act, 42 USC § 7601(d) in order to develop and implement an air pollution control program and for other purposes consistent with Section 105 of the Clean Air Act, 42 USC § 7405. This application for TAS is divided into three parts: Part I explains that the Tribe has previously received TAS status for its water quality programs; Part II explains the Clean Air Act's requirements for granting TAS to an Indian Tribe; and Part III explains the Tribe's qualifications to receive TAS status.

I.

The Tribe Has Previously Received TAS for its Water Quality Programs.

The SITC has previously received TAS for two different water quality programs administered by the U.S. EPA. When a Tribe has previously received authorization for "any other EPA-administered program," Federal regulations allow a tribe to submit only information "that has not been previously submitted."

Where the applicant has previously received authorization for a Clean Air Act program or for any other EPA-administered program, the applicant need only identify the prior authorization and provide the required information which has not been submitted in the previous application.

40 CFR 49.7(8).

The SITC received TAS to administer a water quality program under Section 106 of the Clean Water Act, 33 USC § 1256, in 1989. *See Attachment 1.* Subsequently, in

2001, the Tribe received TAS to administer a water quality program under Section 319 of the Clean Water Act, 33 USC § 1329. *See Attachment 2.* Therefore, pursuant to federal regulations, this application need not contain the information that was previously submitted in support of the previous application.

Furthermore, SITC received TAS because the U.S. EPA determined that it met the eligibility requirements of Section 518 of the Clean Water Act, 33 USC § 1377(e). These requirements are substantially the same as the eligibility requirements of Section 301 of the Clean Air Act. SITC believes that a description of the tribal government and the various sources of law from which it derives its authority is redundant and therefore unnecessary.

Nonetheless, the Tribe respectfully submits the following responses to the issues raised by the eligibility regulations issued under the Clean Air Act.

II.

The Clean Air Act Authorizes the EPA to Issue TAS to an Indian Tribe.

The Clean Air Act authorizes the U.S. EPA to confer TAS to an Indian tribe. Regulations issued pursuant to the Clean Air Act explain what a tribe must demonstrate in order to receive TAS.

The Clean Air Act authorizes the Administrator of the U.S. EPA to “treat Indian Tribes as States,” 42 USC 7601(d)(1)(A), and “provide such Tribe grant and contract assistance,” 42 USC 7601(d)(1)(B). The SITC has already applied for a grant pursuant to Subsection B under separate cover.

Federal regulations issued under the Clean Air Act list portions of the Clean Air Act under which a tribe may not be treated as a state. *See* 40 CFR 49.4. SITC does not

seek TAS to operate any program, or engage in any activity, that may be in conflict with any of the provisions of 40 CFR 49.4. Rather, it seeks TAS to develop and implement an air pollution control program and for other purposes consistent with Section 105 of the Clean Air Act, 42 USC § 7405.

Federal regulations issued under the Clean Air Act, known as the “Tribal Authority Rule,” delineate the elements of a tribal application for TAS. *See* 40 CFR 49.7. The elements, as applicable to this application, are as follows:

1. A statement that the applicant is an Indian tribe recognized by the Secretary of the Interior.
2. A descriptive statement demonstrating that the applicant is currently carrying out substantial governmental duties and powers over a defined area. This statement should:
 - i. Describe the form of tribal government;
 - ii. Describe the types of government functions currently performed by the tribal governing body such as, but not limited to, the exercise of police powers affecting (or related to) the health, safety, and welfare of the affected population; taxation; and the exercise of the power of eminent domain; and
 - iii. Identify the source of the tribal government’s authority to carry out the governmental functions currently being performed.
3. A descriptive statement of the Indian tribe’s authority to regulate air quality. For applications covering areas within the exterior boundaries of the applicant’s reservation, the statement must identify with clarity and precision the exterior boundaries of the reservation including, for example, a map and legal description of the area.
4. A narrative statement describing the capability of the applicant to administer effectively any Clean Air Act program for which the tribe is seeking approval. The narrative statement must demonstrate the applicant’s capability consistent with the applicable provisions of the Clean Air Act and implementing regulations and, if requested by the Regional Administrator, may include:

- i. A description of the Indian tribe's previous management experience, which may include, the administration of programs and services authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, *et. seq.*), the Indian Mineral Development Act (25 U.S.C. 2101, *et seq.*) or the Indian Sanitation Facility Construction Activity Act (42 U.S.C. 2004a);
- ii. A list of existing environmental or public health programs administered by the tribal governing body and a copy of related tribal laws, policies, and regulations;
- iii. A description of the entity (or entities) that exercise the executive, legislative, and judicial functions of the tribal government;
- iv. A description of the existing, or proposed, agency of the Indian tribe that will assume primary responsibility for administering a Clean Air Act program (including a description of the relationship between the existing or proposed agency and its regulated entities);
- v. A description of the technical and administrative capabilities of the staff to administer and manage an effective air quality program or a plan which proposes how the tribe will acquire administrative and technical expertise. The plan should address how the tribe will obtain the funds to acquire the administrative and technical expertise.

Id.

III.

The Tribe Qualifies for TAS Status under the Tribal Authority Rule.

SITC meets or exceeds the four criteria established by the Tribal Authority Rule by which the U.S. EPA determines whether it is authorized to grant TAS to a tribe. This part of this application is divided into four sections based on the four criteria as follows:

- 3.1 SITC Is Recognized By the U.S. Secretary of the Interior;
- 3.2 SITC Is Currently Carrying Out Substantial Governmental Duties and Powers Over a Defined Area;
- 3.3 SITC Has Authority to Regulate Air Quality; and

3.4 SITC Is Capable of Effectively Administering the Clean Air Act Program.

3.1 **The Tribe Is Recognized By the U.S. Secretary of the Interior.**

SITC is recognized by the US Secretary of the Interior. SITC appears on the current list of federally recognized Indian Tribes. *See* 68 FR 68183 (2003).

3.2 **The Tribe Is Carrying Out Substantial Governmental Duties and Powers Over a Defined Area.**

i. **The Swinomish Senate is the Governing Body of the Tribe.**

By authority of the Constitution and Bylaws of the Swinomish Indian Tribal Community, the Swinomish Indian Senate is the governing body of the Tribe as found in Article III, Section 1. (Attachment 2, Swinomish Constitution and Bylaws).

Originally adopted in 1935, the Constitution as amended, includes:

1. Tribal name and legal territory
2. Tribal membership requirements;
3. Governing body membership, organization, and powers;
4. Bill of rights including voting, equal opportunity, freedom of expression, and legal due process;
5. Tribal land ownership and leasing; and
6. Constitution and ByLaw amendment process.

Under the adopted ByLaws, a description of the Senate organization includes:

1. Duties of elected officers;
2. Senate membership qualifications;
3. Time of annual election, General Council meeting, and Senate meetings;
4. Quorum requirements; and
5. Procedural requirements for adoption of ordinances and resolutions.

Senate members are nominated for election by a petition signed by at least five Community members. Elections for those Senate seats that have expired are

held in March of each year during the General Council meeting. All members of the Community who are twenty-one years of age or older and who have either resided, as defined by tribal ordinance, west of Interstate 5 in Skagit County or maintained regular contact with the Reservation, are members of the General Council and may vote for Senators. Upon election, the Senators serve for a five year period. Senate officers are internally elected. The Senate may appoint committees, delegate powers and duties to them, and require them to report to the Senate.

ii. The Tribe Carries Out Substantial Governmental Duties.

SITC carries out substantial governmental duties. Examples of the governmental functions the SITC performs include law enforcement functions, functions related to health, education, and welfare, and functions related to zoning and environmental protection. To carry out these functions, the SITC employs some one hundred individuals, including police officers, medical professionals, managers, scientists, and all the other personnel necessary to carry out the duties of a sovereign Indian nation.

SITC has a republican form of government. Power is vested in the General Council, which consists of all members of the SITC of voting age. The General Council meets once a year. During the rest of the year, the General Council delegates its authority to the Senate, which consists of members of the General Council who are elected by secret ballot.

In terms of law enforcement and social services, the SITC employs ten police officers, including the Chief. It also employs a probation officer and a number of social workers who provide services that are often court-ordered, such

as alcohol and domestic violence counseling. The SITC has a contractual arrangement to utilize the Skagit County jail and the jail of the Yakama Indian Nation for incarceration of persons convicted of crimes.

In terms of health, education, and welfare, the SITC employs a doctor, a dentist, three nurse practitioners, and about a dozen associated employees. The SITC has a daycare program and a "Birth to Six" program. It also works extensively with nearby schools to help meet the unique needs of tribal youth. The SITC runs a satellite branch of the Northwest Indian College and has established another program designed to help students earn their GEDs.

SITC maintains tribal housing for the majority of tribal members. It also supplies drinking water and sewage disposal for tribal members and non-tribal members who live in the more densely populated locations on the Reservation. It provides various social services, in addition to the ones previously mentioned, including mental health and alcohol counseling.

The SITC administers a zoning code, issues building permits and inspects new construction, and otherwise performs the functions of a Planning or Building Department.

The Fisheries Office and the Skagit River System Cooperative, which is a cooperative venture with another Indian tribe, employ nearly two dozen individuals, including biologists, managers, and administrative staff to manage the fishing and hunting resources of the SITC and to conduct scientific research and monitoring regarding fisheries and habitat restoration.

In terms of taxation and eminent domain, SITC levies different taxes on several the different economic activities subject to tribal jurisdiction. Those taxes are: Utility Business Activity Tax, Retail Food and Beverage Tax, Tobacco Tax, TERO Tax, and Fish Tax. SITC reserves the right to exercise its inherent power of eminent domain.

iii. The Tribe's Authority to Regulate on the Reservation Is Supported by the Treaty of Point Elliott.

The Treaty with the Dwamish, Suquamish, Etc., 1855, 12 Stat. 927, was signed January 27, 1855, ratified by the U.S. Congress on March 8, 1859, and proclaimed by the U. S. President April 11, 1859. *See Attachment 3.* Now known as the "Treaty of Point Elliott," this treaty created SITC's reservation for the Tribe's use and occupation. Additionally, it confirmed SITC's fishing, hunting, and gathering rights.

3.3 The Tribe Has Authority to Regulate Air Quality on the Reservation.

i. The Tribe Exercises Civil Regulatory Jurisdiction Over a Defined Area.

The Swinomish Reservation consists of all the lands and waters within the exterior boundaries of the Reservation. These exterior boundaries of the reservation were established by the Treaty of Point Elliot. The treaty describes the Reservation as "the peninsula at the southeastern end of Perry's Island, called Shais-quihl." *See Attachment 3.* Today, "Perry's Island" is known as Fidalgo Island.

Isaac Stevens, the first territorial governor of Washington Territory, drew a map of the Reservation at the same time he negotiated the Treaty on behalf of

the United States. That map and other contemporary maps and correspondence describe the Swinomish Indian Reservation as that part of Fidalgo Island east of a line running from Fidalgo Bay due south to Similk Bay. This boundary line corresponds to a marshy intertidal area that connected Fidalgo and Similk Bays at the time the treaty was signed.

Subsequently, in 1875, President Grant diminished the boundaries of the Reservation by Executive Order on September 9, 1873. *See Attachment 4.* The Executive Order moved the northern boundary of the Reservation east so as to exclude the peninsula of land now known as March's Point from within the exterior boundaries of the Reservation.

In the early 1900s, the Army Corps of Engineers straightened the Swinomish Channel, cutting off the two oxbows to the north and McGlinn Island to the South. Recently, SITC purchased the property interests in McGlinn Island with funds from a federal appropriation.

The regulatory boundaries of the Reservation¹ extend from the midpoint of the Swinomish Channel to the extreme low water mark of the southern and western waters surrounding the Reservation, to a line that trends east from the head of Turners bay, then heads north to Padilla Bay. *See Attachment 5.*

Today, the northern regulatory boundary of the Reservation is the line established by the Executive Order. The other boundaries, comprised of the marine waters of Padilla Bay, Swinomish Channel, Skagit Bay, Similk Bay, and

¹ The boundaries described in this section are for regulatory purposes only. The Tribe reserves the right to argue outside of the context of this Air Quality TAS application that the actual reservation boundaries cover a greater area than those described herein.

Turner's Bay, were established by the Treaty, reaffirmed by the Executive Order, and subsequently recognized by the Washington State Supreme Court. *See State v. Edwards*, 188 Wash. 467, 62 P.2d 1094 (1936). These regulatory boundaries, which are accurately reflected in Attachment 5, circumscribe the area over which the Tribe wishes to assert authority to implement an air pollution control program under Section 105 of the Clean Air Act.

ii. The Tribe's Authority to Regulate Air Quality Derives from its Inherent Sovereign Authority and Congressional Delegation.

In addition to the authority delegated to Indian Tribes under the Clean Air Act, the SITC has inherent authority to regulate air over the lands and waters within the exterior boundaries of the Reservation. This authority stems from the inherent sovereign authority the aboriginal peoples of the SITC have exercised over their aboriginal territory, including the lands and waters within the exterior boundaries of the Reservation, since time immemorial. The modern day Swinomish Indian Tribal Community is the successor in interest to the aboriginal Swinomish, Samish, Kikiallus, and Lower Skagit bands and tribes that signed the Treaty of Point Elliot.

The United States recognized the inherent sovereign authority of the peoples of the SITC in 1855 when it signed the Treaty of Point Elliot. Although the aboriginal peoples of the SITC ceded their sovereign authority over the lands outside the exterior boundaries of the Reservation pursuant to the Treaty, they retained it over the lands inside the exterior boundaries of the Reservation, pursuant to the Treaty.

The SITC is organized pursuant to Section Sixteen of the Indian Reorganization Act of 1934 (25 U.S.C. ' 476). The governing law of the Tribe is a Constitution and Bylaws originally ratified by the Tribe on November 16, 1935, and approved by the U.S. Secretary of the Interior on January 27, 1936, and most recently amended and ratified by the Tribe on September 7, 1985 and approved by the U.S. Secretary of Interior on October 22, 1985. *See* Attachment 6.

3.4 The Tribe Is Capable Of Effectively Administering the Clean Air Act Program.

The SITC is capable of effectively administering the Clean Air Act program. The SITC already has an air quality project, which would become the foundation for any additional projects it may initiate pursuant to Section 105 of the Clean Air Act. SITC also has experience administering other environmental and public health programs. SITC carries out all the executive, legislative, and judicial functions of a sovereign Indian nation.

i. The SITC Has an Effective Air Quality Program.

The Tribe is capable of effectively administering an air pollution and control program consistent with Section 105(a)(1)(A) of the Clean Air Act, 42 USC § 7405(a)(1)(A) because it has already been administering a project under Section 103 of the Clean Air Act, 42 USC § 7403, for the last six years and because it has experience administering other similar programs.

The Tribal air quality project, administered pursuant to the authority of Section 103 of the Clean Air Act, 42 USC 7403, has developed an effective and efficient system for monitoring air quality, assessment and abatement of the

indoor air quality of tribal housing stock, and outreach and education regarding air quality issues.

The air project currently employs two fulltime employees: an air quality analyst and an air quality technician. In addition, the project offers training to employees from other programs and departments, especially Housing and Facilities. Many of the employees from Housing and Facilities administer the abatement portion of the indoor air quality project.

The Tribe has operated two state of the art air quality monitoring stations within the exterior boundaries of the Reservation for over four years. One monitors air quality (ozone, sulfur dioxide, and nitrogen dioxide) and meteorological conditions (wind speed and direction, temperature, humidity, precipitation, barometric pressure, and solar radiation). The other monitors the same meteorological conditions.

Data from both stations are screened and then uploaded into the national AIRS network, pursuant to an EPA-approved Quality Assurance Project Plan, where it is available through the web for scientists and others the world over. This data is an essential link in the transnational air quality monitoring program administered by the Puget Sound/Georgia Basin Transboundary Committee. The air quality project has also provided historical data to the Puget Sound/Georgia Basin Transboundary Committee, which has been crucial in developing a better understanding of the airshed.

The air quality project recently completed a study of fog and water conditions within the exterior boundaries of the Reservation. This study provided

evidence that ecological resources within the exterior boundaries of the Reservation may be at risk. It also found that the ozone level of air within the Reservation airshed has been measured at 85% of the ozone standard due to on and off reservation sources of air pollution. Some of this data was shared with the water quality program, enabling the water quality project to complete some of its hydrological modeling projects.

The air quality project has also completed an assessment of most of the indoor air quality of tribal housing and developed procedures to begin abating the issues uncovered in these assessments. These assessments and the concomitant abatement measures have caused a significant decrease in asthma triggers and a significant increase in indoor air quality. Overall health of tribal members has improved and associated medical costs have declined.

The air quality project has also drafted a new ordinance adopting the Washington State Indoor Air Quality and Ventilation Code by reference, which the Senate recently passed. *See* Attachment 7. The SITC anticipates that the new ordinance will result in significantly higher indoor air quality within existing tribal housing stock and facilities as the housing stock and facilities are rehabilitated. New housing stock and facilities, both tribal and non-tribal, should also have better indoor air quality because of the new ordinance.

The Tribe's air quality project also includes significant outreach and education components. For example, Tony Basabe, the air quality analyst, recently taught a 200-level undergraduate class at the satellite campus of the Northwest Indian College on environmental science with a focus on air quality

issues. Students who took the course have taken what they learned back into the community and begun to make positive changes with respect to indoor air quality issues.

ii. The SITC Has Previous Management Experience With Programs and Services.

The SITC has a long and distinguished record of administering federal and tribal programs and obtaining federal grants to protect and improve the health and welfare of tribal members and the environment of the Reservation. The SITC has a water quality program, public health programs, an air quality program, and a noxious weed control program. Additionally, the Tribe has successfully cleaned up a number of hazardous waste sites on the Reservation. For instance, in November 2002, cleanup of the PM Northwest site was officially completed. In the 1960s, the site had been used to store chemical waste from refineries in four disposal ponds. The waste site had been identified as a threat to the reservation aquifer. Fifty-eight thousand tons of chemicals were removed at a cost of over \$4 million pursuant to the EPA's administrative order on consent. SITC provided oversight for the project.

SITC enforces a tribal environmental policy act and an air quality act. *See Attachments 8 & 9.* It is in the process of promulgating a number of additional environmental ordinances, including a Shorelines and Sensitive Areas Ordinance and a Hazardous Substances Ordinance.

The tribal water quality program employs one fulltime employee and three part-time employees. The water program has completed various mapping and modeling projects for both groundwater and surface water on the Reservation. In

addition, it engages in monitoring of water quality and stream flows, as well as performing other functions, such as assessing wetlands and conducting amphibian surveys. The water quality program is currently developing water quality standards and drafting a groundwater and wellhead protection ordinance.

The SITC administers a public health program for the SITC and three other area Tribes. The program is funded by the U.S. Indian Health Services, Northwest Washington Service Unit. The service unit sanitarian inspects septic systems for tribal members who are not on the tribal sewage system and provides instruction on sanitation and regulatory oversight for food establishments and food prepared for public gatherings.

The SITC manages a noxious weed control program using integrated pest management techniques. Last year, volunteers and members of the natural resources crew removed approximately 100 tons of a noxious weed called spartina from tribal tidelands.

iii. The SITC Supports the Executive, Legislative, and Judicial Functions of Tribal Government.

SITC follows the parliamentary system of government. Executive, legislative, and judicial functions of government are allocated among two governmental entities: the Senate and Tribal Court.

Executive and legislative powers are concentrated in the Senate. Organized according to the parliamentary model, the Senate elects a chair and other officers from its own number. The political power and responsibilities carried out by the Senate are represented in the "Tribal Senate" flow chart. *See Attachment 10.*

Judicial functions are concentrated in Tribal Court, which includes an office of the clerk of the court, a trial court, and an appellate court. The Tribe employs a fulltime judge / court administrator, a fulltime clerk, and a prosecutor who splits her time between her duties as a prosecutor and her duties as an attorney in the Office of the Tribal Attorney. The SITC also employs circuit judges through the Northwest Indian Court System and a tribal advocate who works on a part-time, contractual basis.

iv. The Office of Planning and Community Development Would Administer and Manage the Proposed Clean Air Act Program.

SITC intends to administer and manage the air quality program as a discrete program within the Office of Planning and Community Development, the "Planning Department." The Planning Department currently manages the following departments and programs: environment, building, land use, and planning. Many of these programs have a science and research component. Most of them also have a permitting component.

As the air quality program continues to build capacity, SITC anticipates that it may apply to regulate the following entities, which are located within the regulatory boundaries of the Reservation and currently unregulated: a boat yard, a log storage facility, a gas station, a gravel pit, and a fish processing plant. Except for the gas station, these entities are all privately owned businesses. SITC would also like to develop the capacity to regulate the casino and other additional minor sources of air pollution.

v. The Air Quality Project Staff Has the Administrative and Technical Capabilities to Administer and Manage a Clean Air Act Program.

The Air Quality Analyst, Tony Basabe, has thirty years experience in the air quality field, including six years as a project manager for the Tribe. Mr. Basabe assumed responsibility for the air quality project in 2000. He has the skills and experience to continue to build the project after it achieves TAS.

The Air Quality Analyst's credentials include the following:

- Ph.D. in Air Quality from The University of Washington;
- Publication of several articles in peer-reviewed scientific journal articles;
- Former adjunct professor of Environmental Sciences at Huxley College, Western Washington University;
- Member of the steering committee for the US EPA Tribal Air Monitoring (TAM) Center;
- Member of the Georgia Basin / Puget Sound Transboundary Committee; and
- Air Quality consultant for the Aleutian/Pribilof Islands Association.

He will be assisted in implementing the project by a technician with six months of on-the-job training. Additionally, Mr. Basabe will be assisted by Scott Andrews, the Environmental Coordinator, and Debra Lekanof, the Grant Administrator, as well as the staff at the Tribe's medical clinic.

As the Environmental Coordinator, Scott Andrews assists in the coordination and integration of various environmental management programs of the Tribe, including the Tribe's Air Program. His duties include implementation and enforcement of such programs. Additionally, in conjunction with the Grant Administrator and the program leads, he provides assistance with budget and funding issues. He also provides policy guidance and assistance to the Air Program and, where necessary to facilitate implementation of air regulations, assists in drafting changes to the Tribal Code.

Debra Lekanof, the Grant Administrator, will also be assisting with air quality duties. In 2003, Ms. Lekanof worked with the Air Team to complete its successful application under the new § 103 grant program, as well as its application for a 2005 § 105 air program grant. Ms. Lekanof is currently working on several management projects to support the Air Program, such as the development and maintenance of a grant database identifying (1) the contract or grant, (2) funding sources, (3) reporting requirements, (4) funding period, (5) responsible program or department, and (6) other essential data. The database will be applied to all Planning Department grants once it has been finalized.

Ms. Lekanof's Air Program responsibilities also include analyzing funding sources to determine what will best meet Swinomish Tribal Air needs; identifying funding sources in both the public and private sectors; and working with the Air Quality Analyst and the SITC Finance Department to maintain compliance with grant and contract regulations. These duties include monitoring the grant compliance, notifying Air Quality Analyst of status, assisting program with contract and grants modifications and amendments, and assisting in other areas as appropriate.

Finally, the Tribe's medical clinic initiates indoor air quality assessments for patients with respiratory issues.

Conclusion

The U.S. EPA should grant SITC TAS so the SITC may operate an air pollution and control program consistent with Section 105 of the Clean Air Act because the Tribe is eligible under Section 301(d) of the Clean Air Act and because it would empower the

SITC to continue to monitor ambient air quality issues within the regulatory boundaries of the Reservation and indoor air quality issues inside tribal houses and facilities.

SITC anticipates that the air quality program would continue to grow after it achieves TAS and that SITC might eventually participate, with the EPA, in the regulation of sources of air pollution outside the regulatory boundaries of the Reservation that affect the quality of air inside the regulatory boundaries of the Reservation.